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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,758	02/04/2004	Ki-Ho Lee	2003P02062US01; 60427-616	3665
24500	7590	02/21/2006	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			HARRIS, KATRINA B	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/771,758	<b>Applicant(s)</b> LEE, KI-HO	
	<b>Examiner</b> Katrina B. Harris	<b>Art Unit</b> 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-19,21,24,27-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 22,23,25 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 6, 9-11, 15-18, 24, 27-29, 31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Dietz et al. (6,568,366). Dietz et al. discloses as in **claim 1**, an air induction body assembly for a vehicle, comprising: a carrier (1) having a first sealing interface for a manifold and a second sealing interface (19) for an engine cylinder (26); at least one air opening (7-12) extending through said carrier (1), said at least one air opening for communicating air to the engine cylinder; and at least one valve mounted to said carrier (1), said at least one valve (14) for controlling the communication of air through said at least one opening.

Regarding **claim 2**, wherein said valve comprises a flap (14), said flap pivotally mounted to said carrier (1) by a shaft (15).

Regarding **claim 6**, wherein said shaft (15) is mounted on said carrier (1) by a bearing surface (16,17).

Regarding **claim 9**, including an actuator (23) for controlling said at least one valve, said actuator (23) mounted to said carrier (1).

Regarding **claim 10**, including at least one seal (19) disposed on one of said first sealing interface and said second sealing interface.

Regarding **claim 11**, wherein said at least one air opening comprises a plurality of air openings (7-12) and said at least one valve comprises a plurality of valves (14) for controlling air through said plurality of air openings, and including a shaft (15) interconnecting said plurality of valves (14).

Regarding **claim 15**, an air induction manifold assembly for a vehicle, comprising: an air induction manifold (see column 3, lines 6-10) having at least one manifold air passage; a carrier having at least one carrier air passage in communication with said at least one manifold air passage, said air passages for communicating air to an engine; said carrier (1) having a first sealing interface for a manifold and a second sealing (19) interface for an engine cylinder(26), said first sealing interface for sealing the communication air between said at least one manifold air passage and said at least one carrier air passage (7-12); and at least one valve (14) mounted to said carrier (1), said at least one valve (14) for controlling the communication of air through said at least one carrier air passage.

Regarding **claim 16**, a valve comprises a flap (14).

Regarding **claim 17**, the flap (14) is pivotally mounted to said carrier (1) by a shaft (15).

Regarding **claim 18**, including an actuator (23).

Regarding **claim 24**, including a first seal for said first sealing interface and a second seal for said second sealing interface.

Regarding **claim 27**, at least one valve is within the air opening.

Regarding **claim 28**, wherein the carrier (1) includes a planar member that defines the air opening and receives the valve.

Regarding **claim 29**, the planar member receives the valve.

Regarding **claim 31**, wherein the carrier (1) comprises a carrier length and a carrier thickness that extends between said first sealing interface for said manifold and said second sealing interface for said engine cylinder, said carrier thickness is shorter than said carrier length, said flap (14) includes a flap length and a flap thickness that is shorter than said flap length, and said flap length is greater than said carrier thickness.

Regarding **claim 33**, wherein the carrier (1) defines an air entry side and an air discharge side, and said shaft (15) is closer to said air discharge side than to said air entry side.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3747

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. (6,568,366) in view of Gluchowski et al. (5,146,887). Dietz discloses the claimed invention with the use of bearings. Dietz et al. does not disclose ball bearings. Gluchowski et al. discloses the use of ball bearings (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the ball bearings of Gluchowski et al. into the invention of Dietz et al., since either type would still perform the same function in the invention.

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. (6,568,366) in view of Illing (3,934,851). Dietz discloses the claimed invention except the bearing surface comprising a sleeve. Illing discloses the bearing surface comprising a sleeve. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the sleeve of Illing in the invention of Deitz et al. to increase stability of the system.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 12 and 13** are rejected under 35 U.S.C. 102(b) as being anticipated by Oishi (2001/0047791). Oishi discloses as in **claim 1**, an air induction body assembly for a vehicle, comprising: a carrier having a first sealing interface for a manifold and a second sealing interface for an engine cylinder; at least one air opening extending through said carrier, said at least one air opening for communicating air to the engine cylinder', and at least one valve mounted to said carrier, said at least one valve for controlling the communication of air through said at least one opening.

Regarding **claim 12**, wherein said carrier has a support for a fuel injector.

Regarding **claim 13**, including a fuel injector supported by said support.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi (2001/0047791) in view of Lee et al (2003/0230285).

Regarding **claim 10**, Oishi discloses the claimed invention except the use of a second sealing interface. Lee et al. discloses the use of a second sealing interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Oishi to include a second sealing interface to improve sealing efficiency.

Regarding **claim 14**, Oishi discloses the claimed invention except the use of a wire embedded in the carrier. Lee et al. discloses the use of a wire embedded in the carrier. It would have obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Oishi to include a wire embedded in the carrier to improve efficiency of the system.

Regarding **claim 30**, Oishi discloses the claimed invention except the use of a second sealing interface. Lee et al. discloses the use of a second sealing interface. It would have obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Oishi to include a second sealing interface to improve sealing efficiency.

#### ***Allowable Subject Matter***

Claims 22, 23, 25 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 26 is allowed.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,359,024 issued to Lootens et al. is a similar system.



***Response to Arguments***

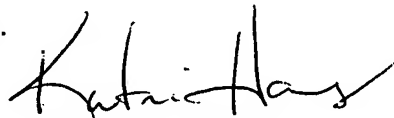
Applicant's arguments with respect to claims 1, 2, 6-19, 21, 24, 27-29, 31 and 33 have been considered but are moot in view of the new ground(s) of rejection.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katrina B. Harris whose telephone number is 571-272-4842. The examiner can normally be reached on 6:30 AM -3:00 PM.

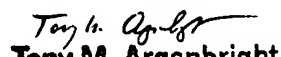
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Katrina B. Harris  
Examiner  
Art Unit 3747

KBH



Tony M. Argenbright  
Primary Examiner  
Art Unit 3747